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SIXTIETH LEGISLATURE

FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 8, 2010

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Coiner and McKague, absent and formally excused by the Chair; and Senator Andreason, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Jedediah Russell, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 5, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 5, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1267](#), [S 1287](#), and [S 1308](#) were delivered to the Office of the Governor at 2:45 p.m., March 5, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 5, 2010

The STATE AFFAIRS Committee reports out [S 1375](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, [S 1375](#) was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Andreason was recorded present at this order of business.

March 5, 2010

Dear Mr. President:

I transmit herewith [H 543](#), [H 610](#), [H 599](#), and [H 616](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 543](#), [H 610](#), [H 599](#), and [H 616](#) were filed for first reading.

March 5, 2010

Dear Mr. President:

I return herewith Enrolled [S 1265](#), [S 1266](#), and [S 1306](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [S 1265](#), [S 1266](#), and [S 1306](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 5, 2010

Dear Mr. President:

I return herewith Enrolled [SCR 122](#), [SCR 121](#), and [SJM 103](#), which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled [SCR 122](#), [SCR 121](#), and [SJM 103](#) were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of William B. Booth was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Jorgenson, seconded by Acting Senator Stennett, the Gubernatorial appointment of William B. Booth as a member of the Northwest Power and Conservation Council was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1400

**BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO APPOINTEES TO DISTRICT BOARDS OF HEALTH; AMENDING SECTION 39-411, IDAHO CODE, TO PROVIDE THAT IF A BOARD MEMBER OF A PUBLIC HEALTH DISTRICT IS AN APPOINTEE FOR A BOARD OF COUNTY COMMISSIONERS, AND IF THAT BOARD MEMBER IS AN ELECTED COUNTY COMMISSIONER AND LEAVES OFFICE PRIOR TO THE EXPIRATION OF THE TERM ON THE DISTRICT BOARD OF HEALTH, THE BOARD OF COUNTY COMMISSIONERS MAY DECLARE THE POSITION VACANT AND MAY APPOINT ANOTHER CURRENTLY ELECTED COUNTY COMMISSIONER TO FILL THE UNEXPIRED PORTION OF THE TERM OF THAT BOARD MEMBER; AND DECLARING AN EMERGENCY.

S 1401

**BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO CONSTRUCTION OF PUBLIC PROJECTS; AMENDING SECTION 67-5711C, IDAHO CODE, TO REVISE PREQUALIFICATION REQUIREMENTS WHEN THE DEPARTMENT OF ADMINISTRATION AND THE RESPECTIVE STATE AGENCY DEEM IT IN THE BEST INTEREST OF THE STATE AND TO REVISE PREQUALIFICATION PROVISIONS; AND DECLARING AN EMERGENCY.

S 1400 and S 1401 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 543, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 610, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 599, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 616, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 456, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

H 458, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 478, by Business Committee, was read the second time at length and filed for third reading.

H 510 and H 525, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

S 1392, S 1393, S 1394, S 1395, and S 1396, by Finance Committee, were read the second time at length and filed for third reading.

S 1349 and S 1351, by Transportation Committee, were read the second time at length and filed for third reading.

S 1389 and S 1340, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1352, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

S 1365, as amended, by Education Committee, was read the second time at length and filed for third reading.

S 1378, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Corder, granted by unanimous consent, S 1344, having been held, was referred to the Fourteenth Order of Business, General Calendar.

S 1357, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, McKague. Total - 2.

Total - 35.

Whereupon the President declared S 1357 passed, title was approved, and the bill ordered transmitted to the House.

S 1360 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kerby (Keough), Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stennett (Stennett), Winder. Total - 26.

NAYS—Bock, Davis, Kelly, LeFavour, Stegner, Werk. Total - 6.

Absent and excused—Bilyeu, Coiner, McKague. Total - 3.

Total - 35.

Whereupon the President declared [S 1360](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1355](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, McKague. Total - 2.

Total - 35.

Whereupon the President declared [S 1355](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, [S 1343](#) retained its place on the Third Reading Calendar for one legislative day.

[S 1388](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 32.

NAYS—Werk. Total - 1.

Absent and excused—Coiner, McKague. Total - 2.

Total - 35.

Whereupon the President declared [S 1388](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [H 391](#), as amended, retained its place on the Third Reading Calendar for one legislative day.

[H 414](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, McKague. Total - 2.

Total - 35.

Whereupon the President declared [H 414](#) passed, title was approved, and the bill ordered returned to the House.

[H 386](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Coiner, McKague. Total - 2.

Total - 35.

Whereupon the President declared [H 386](#), as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, with Senate Finance Committee bills to follow, then House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Tuesday, March 9, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary